

立法會
Legislative Council

LC Paper No. LS71/07-08

**Paper for the House Committee Meeting
on 11 April 2008**

**Legal Service Division Report on
Alice Ho Miu Ling Nethersole Charity Foundation Bill**

(Member's Bill)

I. SUMMARY

- 1. Object of the Bill** To provide for the repeal of the Alice Ho Miu Ling Nethersole Hospital Incorporation Ordinance (Cap. 1072) (the Hospital Ordinance) and the continuance of The Executive Committee of The Alice Ho Miu Ling Nethersole Hospital (The Executive Committee) incorporated under the Hospital Ordinance under the corporate name of the Alice Ho Miu Ling Nethersole Charity Foundation (the Foundation).
- 2. Comments**

 - (a) The Executive Committee will continue its existence under a new corporate name (i.e. the Foundation), and its rights and obligations will not be affected by the repeal of the Hospital Ordinance.
 - (b) The Bill provides for various matters relating to the Foundation, including the powers of the Foundation, the Board of Governors and its composition, members and constitution of the Foundation.
 - (c) Other provisions relate to the manner of execution of documents, the vesting of property in the Foundation and transitional matters.
- 3. Public Consultation** No public consultation has been carried out.
- 4. Consultation with LegCo Panel** The Panel on Health Services has not discussed the Bill.
- 5. Conclusion** Subject to Members' views, the Bill is ready for resumption of Second Reading debate.

II. REPORT

Object of the Bill

To provide for the repeal of the Alice Ho Miu Ling Nethersole Hospital Incorporation Ordinance (Cap. 1072) (the Hospital Ordinance) and the continuance of The Executive Committee of The Alice Ho Miu Ling Nethersole Hospital incorporated under the Hospital Ordinance under the corporate name of the Alice Ho Miu Ling Nethersole Charity Foundation.

LegCo Brief Reference

2. Please refer to the LegCo Brief issued by Herbert Tsoi & Partners, Solicitors for the Executive Committee of the Alice Ho Miu Ling Nethersole Hospital on 20 March 2008.

Date of First Reading

3. 9 April 2008.

Comments

4. The Honourable Mrs Selina CHOW LIANG Shuk-ye, GBS, JP has given notice to present the Bill to the Legislative Council as a Member's Bill. The President has ruled that the Bill does not relate to public expenditure, political structure or the operation of the Government referred to in Rule 51(3) of the Rules of Procedure nor does it relate to Government policies referred to in Rule 51(4) of the Rules of Procedure.

5. At present, a body corporate known as The Executive Committee of The Alice Ho Miu Ling Nethersole Hospital (The Executive Committee) is incorporated under the Hospital Ordinance. According to paragraphs 8 and 9 of the LegCo Brief, apart from managing the Alice Ho Miu Ling Nethersole Hospital (the Hospital), The Executive Committee provides a wide range of services and participates in the management of places providing the relevant services. These include homes for aged people, community health centres and social services centres. Accordingly, the functions of The Executive Committee are not only for the management of the Hospital as its name might suggest.

6. The Bill proposes that the Hospital Ordinance be repealed and that The Executive Committee will continue in existence as a body corporate under the new corporate name of the Alice Ho Miu Ling Nethersole Charity Foundation (the Foundation). Under the Bill, the corporate identity and the rights and obligations of the body corporate incorporated under the Hospital Ordinance are not to be affected by the repeal of that Ordinance.

7. Clause 8 of the Bill sets out the powers of the Foundation. Under Clause 8(1), the Foundation has the power to operate, manage and supervise the operation and management of non-profit-making hospitals, clinics, medical institutions, community health centres, social services centres and homes for aged people. Clause 8(2) confers on the Foundation the existing powers of The Executive Committee under the Hospital Ordinance and further provides for the power of the Foundation to accept grants, donations and subsidies and to make grants, donations and subsidies to charities and charitable institutions. Other provisions of the Bill relate to the Board of Governors of the Foundation and its composition, members and constitution of the Foundation, the manner of execution of documents, the vesting of property in the Foundation and transitional matters.

8. The Bill is drafted along the same lines as the Church Body of the Hong Kong Sheng Kung Hui Ordinance (Cap. 1158) and the Hong Kong Sheng Kung Hui Foundation Ordinance (Cap. 1159).

Public Consultation

9. No public consultation has been carried out.

Consultation with LegCo Panel

10. The Panel on Health Services has not discussed the Bill.

Conclusion

11. No difficulties relating to the legal and drafting aspects of the Bill have been identified. Subject to Members' view, the Bill is ready for resumption of Second Reading debate.

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